

Sixty-seventh  
Legislative Assembly  
of North Dakota

**HOUSE BILL NO. 1468**

Introduced by

Representatives Skroch, Bellew, Fisher, Jones, Paulson, Rohr

Senators Dwyer, O. Larsen, Myrdal

1 A BILL for an Act to create and enact a new section to chapter 23-12 of the North Dakota  
2 Century Code, relating to informed consent and notice of risks associated with vaccines; and to  
3 provide a penalty.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** A new section to chapter 23-12 of the North Dakota Century Code is created  
6 and enacted as follows:

7 **Informed consent for vaccines - Notice of risk - Penalty.**

8 1. Every government official, health care provider, and employer that provides an  
9 immunization or in the official capacity as a public official or public health officer  
10 formally provides information on immunizations, shall provide information of the  
11 potential risks of vaccination. This information must be provided to an individual, or if  
12 the individual is a minor, to the individual's parent or guardian, before a vaccine is  
13 administered and must include:

14 a. ~~The~~A current vaccination immunization statement produced by the federal  
15 centers for disease control and prevention and, upon request of the individual,  
16 parent, or guardian, the vaccine package insert, provided by the manufacturer;  
17 and

18 b. ~~Information~~If the patient is a minor, information regarding exemptions for  
19 vaccination as provided under section 23-07-17.1.

20 2. The state department of health shall make a vaccine exemption form publicly available  
21 on the department's website and in all public schools. The department also shall  
22 publish a document detailing vaccine exemption information clearly linked to the  
23 immunization information on the department's website. The exemption form must  
24 include a statement indicating the individual or, if a minor, the individual's parent or

guardian, understands the benefits and risks of immunizations and the benefits and risks of not being immunized. Before administering a vaccination to a minor, the government official, medical provider, and employer providing or requiring immunization shall inform the ~~individual, parent, or guardian~~ of the right to an exemption and make the exemption form available. The individual providing a vaccination may not use tactics that threaten, coerce, or intimidate a patient, or if the patient is a minor, the parent or guardian, to decide to receive a vaccine.

3. Every medical provider providing services to a pregnant woman shall provide a clear and detailed explanation of all vaccinations included in any consent for ~~biologics~~biological products. The fact that vaccinations have never been studied in pregnant women must be provided to the patient before administering a vaccination. Dissemination of this information ~~must be witnessed and~~ may not be issued while the woman is in labor or under duress.

4. This section does not reduce or remove liability for a manufacturer of immunizations as liability relates to vaccine injury.

5. A government official, medical provider, or employer that violates this section is guilty of an infraction.

6. As used in this section, the term "biological product" has the same meaning as provided under section 19-02.1-14.3.